

1 PHILLIP A. TALBERT  
2 United States Attorney  
3 CAMERON L. DESMOND  
4 Assistant United States Attorney  
5 501 I Street, Suite 10-100  
6 Sacramento, CA 95814  
7 Telephone: (916) 554-2700  
8 Facsimile: (916) 554-2900

9  
10  
11 Attorneys for Plaintiff  
12 United States of America

13  
14 IN THE UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA

16  
17 UNITED STATES OF AMERICA,  
18 Plaintiff,  
19 v.  
20 KENNETH O'NEIL,  
21 Defendant.

22 CASE NO. 2:21-CR-00115-DAD  
23 STIPULATION REGARDING EXCLUDABLE  
24 TIME PERIODS UNDER SPEEDY TRIAL ACT;  
25 ORDER  
26 DATE: December 6, 2022  
27 TIME: 9:30 a.m.  
28 COURT: Hon. Dale A. Drozd

29  
30 STIPULATION

31 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
32 through defendant's counsel of record, hereby stipulate as follows:

33 1. By previous order, this matter was set for status on December 6, 2022.  
34 2. By this stipulation, the defendant now moves to continue the status conference until  
35 February 14, 2023, and to exclude time between December 6, 2022, and February 14, 2023, under Local  
36 Code T4.  
37 3. The parties agree and stipulate, and request that the Court find the following:  
38 a) Counsel for the defendant was appointed on July 8, 2022.  
39 b) The government has represented that the discovery associated with this case  
40 includes multiple audio files, reports, photographs, and toll records.

41 ///

c) Counsel for the defendant needs additional time to conduct independent factual investigation, meet with her client to discuss trial, sentencing, and resolution options, conduct legal research into trial issues, sentencing issues, and potential pretrial motions, and otherwise prepare for trial. Defense counsel is also awaiting CDCR records to conduct criminal history and sentencing analysis.

d) The defendant was recently transferred out of the Sacramento County jail to the CVA facility, which makes it more logically challenging for defense counsel to meet with her client.

e) Counsel for the defendant believes that failure to grant the above-requested continuance would deny her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

f) The government does not object to the continuance.

g) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of December 6, 2022 to February 14, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

[Continued on Next Page]

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: November 23, 2022

PHILLIP A. TALBERT  
United States Attorney

/s/ CAMERON L. DESMOND  
CAMERON L. DESMOND  
Assistant United States Attorney

Dated: November 23, 2022

/s/ Tasha Chalfant  
Tasha Chalfant  
Counsel for Defendant  
KENNETH O'NEIL

## FINDINGS AND ORDER

Pursuant to the stipulation of the parties and in light of the fact that defendant O’Neil’s current counsel was appointed less than five months ago, the status conference previously scheduled for December 6, 2022 is hereby continued to February 14, 2023, at 9:30 a.m. and time is excluded between December 6, 2022, and February 14, 2023, under Local Code T4.

IT IS SO ORDERED.

Dated: **November 28, 2022**

Dale A. Droyd  
UNITED STATES DISTRICT JUDGE